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11 Attorneys for Defendant
Carrier IQ, Inc.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

16 LAWRENCE REGIS HOUSE, JR.;
17 individually and on behalf of others
similarly situated,

18 Plaintiff,

19 v.

20 CARRIER IQ, INC.; and DOES 1-100,

21 Defendants.

Case No.: 5:11-cv-6200-LHK (PSG)

**STIPULATION FOR CONTINUANCE
OF TIME FOR DEFENDANT
CARRIER IQ, INC. TO RESPOND TO
COMPLAINT AND FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE AND
[PROPOSED] ORDER**

1 WHEREAS the above-referenced plaintiff filed the above-captioned case;

2 WHEREAS the above-referenced plaintiff alleges violations of the Federal Wiretap Act
3 and other laws by the defendant in this case;

4 WHEREAS over 60 other complaints have been filed to-date in federal district courts
5 throughout the United States by plaintiffs purporting to bring consumer privacy class actions on
6 behalf of cellular telephone and other device users on whose devices software made by defendant
7 Carrier IQ, Inc. ("Carrier IQ") is or has been embedded (collectively, including the above-
8 captioned matter, the "CIQ cases");

9 WHEREAS, a motion is pending before the Judicial Panel on Multidistrict Litigation to
10 transfer the CIQ cases to this jurisdiction for coordinated and consolidated pretrial proceedings
11 pursuant to 28 U.S.C. Sec. 1407, and responses to the motion supporting coordination or
12 consolidation have been filed;

13 WHEREAS, the parties anticipate that one or more consolidated complaints will be filed
14 following transfer and consolidation of the CIQ cases;

15 WHEREAS plaintiff and defendant Carrier IQ have agreed that an orderly schedule for
16 any response to the pleadings in the CIQ cases would be more efficient for the parties and for the
17 Court;

18 WHEREAS plaintiff agrees that the deadline for defendant Carrier IQ to answer, move, or
19 otherwise respond to their complaint shall be extended until the earliest of the following dates: (1)
20 forty-five days after the filing of a consolidated amended complaint in the CIQ cases in the MDL
21 transferee court; or (2) forty-five days after plaintiff provides written notice to defendants that
22 plaintiff does not intend to file a consolidated amended complaint in the MDL transferee court; or
23 (3) as otherwise ordered by this Court or the MDL transferee court; *provided*, however, that in the
24 event that Carrier IQ should agree to an earlier response date in any of these cases, Carrier IQ will
25 respond to the complaint in the above-captioned action on that earlier date;

26 WHEREAS, in light of the pending MDL Motion, the parties have agreed that the dates
27 for ADR certification and selection, currently set for February 15, 2012, initial disclosures and the
28 filing of Rule 26(f) reports and Case Management Conference statement, currently set for

1 February 29, 2012, and the Initial Case Management Conference, currently scheduled for March
 2 7, 2012, be stayed until further order from this Court, or as otherwise ordered by the MDL
 3 transferee court if the MDL Motion is granted;

4 WHEREAS this Stipulation does not constitute a waiver by Carrier IQ of any defense,
 5 including but not limited to the defenses of lack of personal jurisdiction, lack of subject matter
 6 jurisdiction, improper venue, sufficiency of process or service of process;

7 WHEREAS plaintiff and defendant Carrier IQ agree that preservation of evidence in the
 8 CIQ cases is vital, that defendant has received litigation hold letters, that it is complying with and
 9 will continue to comply with all of their evidence preservation obligations under governing law,
 10 and that that the delay brought about by this Stipulation should not result in the loss of any
 11 evidence;

12 Now, therefore, pursuant to Civil Local Rule 7-12, plaintiff and defendant Carrier IQ, by
 13 and through their respective counsel of record, hereby stipulate as follows:

14 1. The deadline for Carrier IQ to answer, move, or otherwise respond to Plaintiff's
 15 removed complaint shall be extended until the earliest of the following dates: forty-five days after
 16 the filing of a consolidated amended complaint in the CIQ cases in the MDL transferee court; or
 17 forty-five days after plaintiff provides written notice to defendant Carrier IQ that plaintiff does
 18 not intend to file a Consolidated Amended Complaint in the MDL transferee court; or as
 19 otherwise ordered by this Court or the MDL transferee court; *provided*, however, that in the event
 20 that Carrier IQ should agree to an earlier response date in any of these cases, except by court
 21 order, Carrier IQ will respond to the complaint in the above-captioned case on that earlier date.

22 2. The dates for ADR certification and selection, currently set for February 15, 2012,
 23 initial disclosures and the filing of Rule 26(f) reports and Case Management Conference
 24 statement, currently set for February 29, 2012, and the Initial Case Management Conference,
 25 currently scheduled for March 7, 2012, are stayed until further order from this Court, or as
 26 otherwise ordered by the MDL transferee court if the MDL Motion is granted.

3. This Stipulation does not constitute a waiver by Carrier IQ of any defense, including but not limited to the defenses of lack of personal jurisdiction, lack of subject matter jurisdiction, improper venue, sufficiency of process, or service of process.

4. As a condition of entry into this Stipulation, defendant Carrier IQ and plaintiff agree that they are complying with and will continue to comply with all evidentiary preservation obligations under governing law.

DATED: February 13, 2012

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DATED: February 13, 2012

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**[PROPOSED] ORDER GRANTING
STIPULATION FOR CONTINUANCE
OF TIME FOR DEFENDANT
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COMPLAINT AND FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE**

23 Pursuant to stipulation, it is SO ORDERED.

24 Dated: February 16, 2012

25 
Honorable Lucy H. Koh
United States District Judge